

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, JANUARY 6, 2005  
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair  
Deb Schorr, Vice Chair  
Bernie Heier  
Bob Workman

Commissioners Absent: Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, DECEMBER 9, 2004**

**MOTION:** Heier moved and Workman seconded approval of the Staff Meeting minutes of December 9, 2004. Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates**

Gordon Kissel, Legislative Consultant, presented a legislative update, legislative committee membership list and legislative calendar (Exhibit A).

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, reviewed Lancaster County's legislative priorities.

Tom Fox, Deputy County Attorney, explained the risks associated with amending the civil services statute.

Kissel said Senator Landis, who plans to introduce a bill on behalf of Lancaster County, is trying to marginalize opposition early on. He will apprise Landis of the issues and suggest an interim study, if there is significant opposition to the bill.

Schorr exited the meeting at 8:50 a.m.

### **ACTION ITEMS**

- A. Health Insurance Portability & Accountability Act (HIPAA) Privacy Notice to Employees

Gwen Thorpe, Deputy Chief Administrative Officer, suggested that the notice be distributed with employee paychecks (Exhibit B).

**MOTION:** Heier moved and Workman seconded approval. Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

- B. Payroll Insert for January 13, 2005 (Wellness Newsletter)

**MOTION:** Workman moved and Heier seconded approval. Heier, Workman and Hudkins voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 8:53 a.m.

- C. Request from Bruce Stahr for a Letter Supporting Geographic Name Proposal (Prairie Creek and Prairie Lake)

Hudkins said the Omaha Tribe of Nebraska and Iowa has recommended the name InKecabe, but said it has not been established that they resided in the Walton area.

**MOTION:** Heier moved and Workman seconded approval of a letter of support. Schorr, Workman, Heier and Hudkins voted aye. Motion carried.

- D. Discussion Topics for Meeting with Mayor

The following topics were suggested: 1) Local match for the Nebraska State Fair; and 2) Legislative issues.

- E. KVM Switch for PeopleSoft and the County Assessor's Orion System, \$532.35 from Microcomputer Fund

**MOTION:** Workman moved and Heier seconded approval. Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

### **ADMINISTRATIVE OFFICER REPORT**

A. Staff Meeting (Tuesday, January 18, 2005)

The Board scheduled a meeting from 8:30 a.m. to 10:00 a.m.

B. Comprehensive Plan Annual Review

The Chair asked Kerry Eagan, Chief Administrative Officer, to check whether the County Engineer has any issues he would like to see addressed.

C. Visitors Promotion Committee (VPC) Recommendation Regarding 2% Increase in Lodging Tax

Eagan reported recommendations from the Visitors Promotion Committee (VPC) that the lodging tax be increased by 2.0% to establish the Visitors Improvement Fund and that the County Board appropriate the money according to the plan suggested by the Lincoln Chamber of Commerce:

- 1.0% designated for an arena/convention center
- 0.5% to be used for a fund for grants
- 0.5% to be used on entryways to the City, as recommended by the Randall Travel Marketing Study and the Angelou Economics Study

Eagan said there are several issues to consider: 1) Whether to hold a public hearing to determine whether to establish the Visitors Improvement Fund and levy up to an additional 2.0% tax; 2) How to designate the funds, with advice from the Visitors Promotion Committee (VPC); and 3) Whether to support legislation to allow the County Board to use money from the fund to bond for an arena/convention center.

Schorr said the hotel industry supports designating 0.5% to increase tourism and bring large events into the community.

Eagan questioned whether entryways can be considered a tourist facility and suggested that the Board seek a legal opinion as to whether money can be placed into a sinking fund.

**MOTION:** Workman moved and Schorr seconded to start the process to set a public hearing to consider increasing the lodging tax by 2.0%. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

- 4     **A) SPECIAL PERMIT NO. 04059, COMMERCIAL STORAGE/SALE OF AGRICULTURAL CHEMICALS, 56<sup>TH</sup> & MILL ROAD; B) COMPREHENSIVE PLAN CONFORMANCE NO. 04012, CONSERVATION EASEMENT AT SOUTHWEST 126<sup>TH</sup> & VAN DORN STREET; AND C) FINAL PLAT NO. 04111, FINIGAN 2<sup>ND</sup> ADDITION AT NORTH 84<sup>TH</sup> STREET AND WAVERLY ROAD - Mike DeKalb, Planning Department**

**A) Special Permit No. 04059**

Mike DeKalb, Planning Department, gave an overview of Special Permit No. 04059, a request for the commercial storage or sale of farm chemicals on property on the northwest corner of North 56<sup>th</sup> Street (Highway 77) and Mill Road (Exhibit C). Staff has recommended conditional approval, tied to appropriate licensing and certification by local, state and federal government. He said there was testimony in opposition at the hearing before the Planning Commission and the Planning Commission has recommended denial. DeKalb suggested that the applicant give a more thorough presentation at the County Board's public hearing and address the issues that were raised before the Planning Commission.

**B) Comprehensive Plan Amendment No. 04012**

DeKalb gave an overview of Comprehensive Plan Conformance No. 04012, a request to transfer a conservation easement for preservation of native prairie to the Nebraska Land Trust on property southeast of the intersection of West Van Dorn Street and Southwest 126<sup>th</sup> Street (Exhibit D). Staff and the Planning Commission have recommended to find the proposed acquisition of permanent conservation easements by the Nebraska Land Trust to be in conformance with the Comprehensive Plan. He noted that there is still some negotiation between Nebraska Land Trust and the landowner and said Nebraska Land Trust may, or may not, end up being the conservation easement holder.

Heier asked DeKalb to find out what a small strip of land shown on the map (see Exhibit D) is used for, prior to the public hearing.

**C) Final Plat No. 04111**

DeKalb gave an overview of Final Plat No. 04111, consisting of four lots and two outlots on property at North 84<sup>th</sup> Street and Waverly Road (Exhibit E). Staff and the Planning Commission have recommended conditional approval.

**5 REPAIR OF 12<sup>TH</sup> STREET AND SOUTH ENTRANCE TO TRABERT HALL** - Don Killeen, County Property Manager; Gene Hanlon, Recycling Coordinator

Don Killeen, County Property Manager, said a large chuckhole has developed at the east entrance to Lancaster Manor's parking lot. He said there is a recycling site at the back of the lot and Gene Hanlon, Recycling Coordinator, has expressed a willingness to assist in the cost of repair.

Hanlon reported a repair estimate of \$7,172.06 and offered to pay 20% to 25% of the cost with recycling dollars. He said additional repair is needed in the immediate vicinity of the recycling site and said his department will absorb the cost of that repair (estimated at \$1,127).

Killeen said Trabert Hall and Lancaster Manor generate the majority of the traffic and said it is appropriate that they share in the cost. Lancaster Manor has not budgeted any funds for the repair, so its portion will be taken out of the Building Fund.

**MOTION:** Schorr moved and Workman seconded to proceed with the repair, as outlined. Schorr, Workman, Heier and Hudkins voted aye. Motion carried.

**6 WATER SERVICE FOR VEHICLE STORAGE FACILITY AT 444 CHERRYCREEK ROAD** - Chris Beardslee, Sinclair Hille & Associates Inc.; Don Killeen, County Property Manager; Steve Masters, City Public Works/Utilities

Chris Beardslee, Sinclair Hille & Associates Inc. presented a project update (Exhibit F).

Don Killeen, County Property Manager, said there is a problem with getting a water service connection. He said the easiest, and least expensive, solution is to tap into water service through the County Engineering Shop.

Steve Masters, City Public Works/Utilities, gave an overview of the issues (Exhibit G).

**MOTION:** Schorr moved and Workman seconded to proceed, as outlined. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

**ADMINISTRATIVE OFFICER REPORT**

O. Tractor Supply Location and East Bypass

The Board reviewed a letter from Ron Melbye, Mayor of Waverly, regarding location of the East Beltway interchange (Exhibit H).

Allan Abbott, City Public Works/Utilities Director, appeared and reported on a meeting held to discuss the possible conflict between the Tractor Supply Corporation (TSC) project and the East Beltway interchange with Interstate 80 near Waverly. He said there was an agreement about how to proceed at the end of the meeting, which he said was not reflected in Melby's letter. Abbott circulated a copy of Waverly's Comprehensive Plan, which he said shows an interchange with I-80, and a map of the interchange location. He said location of the interchange has shifted 500-700 feet to the west, resulting in a potential conflict with TSC's proposed site. The State has agreed to look at the configuration of the ramps to see if they could be shifted to better accommodate the TSC development. The City has agreed to contact the Corp of Engineers to try to resolve an additional conflict relating to a drainage way that runs through the property. Representatives from Waverly agreed to see whether the TSC plant can be moved slightly to the northeast in order to accommodate the ramps. Abbott said the State provided Waverly's consultant a revised configuration yesterday, moving the interchange slightly more to the west.

Abbott said part of the problem has been that there has not been a way to preserve right-of-way for the East Beltway or the interchange. He asked whether the Board, in the future, would be willing to contribute to the cost of purchasing the right-of-way.

Darl Naumann, Administrative Assistant to the Mayor/Economic Development, said TSC is aware of the interchange and said it was, in fact, a selling point in their decision to locate in Waverly. He added that TSC has expressed a willingness to compromise on the siting of their plant.

**MOTION:** Workman moved and Schorr seconded to direct Kerry Eagan, Chief Administrative Officer, to draft a letter of response to Ron Melby, Mayor of Waverly, indicating that the County is working with City of Lincoln, State of Nebraska and the Corp of Engineers to resolve the situation.

Heier indicated a conflict of interest.

**ROLL CALL:** Workman, Schorr and Hudkins voted aye. Heier abstained from voting. Motion carried.

The Chair exited the meeting at 10:05 a.m. and the Vice Chair assumed direction of the meeting.

**7 GRANT APPLICATION TO NEBRASKA CRIME COMMISSION REGARDING FAMILY VIOLENCE UNDER VIOLENCE AGAINST WOMEN ACT (VAWA) - Kit Boesch, Human Services Administrator**

Kit Boesch, Human Services Administrator, requested authorization to submit a grant application for Violence Against Women Act (VAWA) funding in the amount of \$209,963 (Exhibit I). She said the funds will be split between five partner entities: 1) Lancaster County Attorney's Office (\$58,843); 2) Lancaster County Sheriff's Office (\$30,435); Lincoln Police Department (\$33,961); Rape Spouse Abuse Crisis Center (\$57,801); and the Family Violence Council (\$14,923).

**MOTION:** Heier moved and Workman seconded to authorize submission of the grant application. Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

**8 AUTOMATIC EXTERNAL DEFIBRILLATORS (POLICIES AND DEMONSTRATION)** - Steve Beal, Assistant Lincoln-Lancaster County Health Department Director; Jill Baker, Lincoln-Lancaster County Health Department

Jill Baker, Lincoln-Lancaster County Health Department, gave a demonstration of an Automatic External Defibrillator (AED).

Eagan noted that the Public Building Commission (PBC) authorized placement of AED's in the County-City Building and the Justice and Law Enforcement Center. He said state statutes require that the devices be adequately maintained and that individuals that use them are trained.

Steve Beal, Assistant Lincoln-Lancaster County Health Department Director, said state and federal laws are contradictory in terms of civil liability immunity and suggested the need for a legal opinion. He also presented a list of issues to consider (Exhibit J).

Adam Powers, Corrections, appeared and said his department is currently setting up policies and procedures for AED's. Corrections does not have an AED device at this time.

Marlene Walenta, Assistant Nursing Director at Lancaster Manor, appeared and said the AED's need to be compatible with the Lincoln Fire Department. She also cited the need for policies and procedures.

Board consensus was to: 1) Have the Safety Committee review the issues and develop policies; and 2) Schedule the item on the Management Team Meeting agenda for discussion.

**9 LANCASTER COUNTY AGRICULTURAL SOCIETY RE-ZONING PLANS AT 84<sup>TH</sup> & HOLDREGE** - Alan Wood, Lancaster County Agricultural Society Counsel; Bill Austin, Erickson & Sederstrom Law Firm; J. D. Burt, Design Associates of Lincoln, Inc.

Alan Wood, Lancaster County Agricultural Society Counsel, said the Ag Society wants to change zoning from agricultural to commercial on two tracts of land at 84<sup>th</sup> and Havelock Avenue (a 6.5-acre tract that includes the electronic sign at the Lancaster Event Center and an adjacent 7.9-acres to allow for future development) which will require amendment of the Comprehensive Plan. He said the zoning change will allow the Ag Society to maintain the electronic sign at the Lancaster Event Center (off-premise advertising violates highway beautification laws).

J. D. Burt, Design Associates of Lincoln, Inc., presented a site plan (Exhibit K). He noted that the City has completed the Stevens Creek Watershed Basin Planning Study and said his firm has modified the base drawings of the Event Center campus to reflect the new floodplain lines. Burt said the Ag Society obtained a floodplain development permit for land at the intersection of 84<sup>th</sup> and Havelock area (see hatched area of the map on Page 2 of Exhibit K), prior to completion of the study, and will ask the City to modify its application to Federal Emergency Management Agency (FEMA) to exclude this portion from the floodplain.

Steve Henrichsen, Planning Department, appeared and said Public Works/Utilities must reflect actual conditions.

**10 A) DRUG COURT CLERK POSITION; AND B) RENEWAL OF DRUG COURT INTERLOCAL AGREEMENT WITH STATE PROBATION** - Kim Etherton, Community Corrections Director

**A) Drug Court Clerk Position**

Kim Etherton, Community Corrections Director, requested authorization to hire a Clerk II for Adult Drug Court (Exhibit L). She said the individual is currently a contract employee through the interlocal agreement with State Probation and the agreement will need to be adjusted accordingly.

**MOTION:** Workman moved and Heier seconded to authorize the hiring process to proceed. Heier, Workman and Schorr voted aye. Hudkins was absent from voting. Motion carried.

## **B) Renewal of Drug Court Interlocal Agreement**

Etherton said the interlocal agreement with State Probation is still in the works and staff will remain contract employees, for the time being.

Etherton reported on the electronic home detention monitoring program and said telephone land lines for electronic monitoring have become an issue, as many defendants can not afford to maintain a land line. She said BI Incorporated, which provides electronic home detention monitoring products and services to the County, has a cellular unit option available at a cost of \$4.50 per day (365 days a year), an additional cost of \$8,000 to \$9,000 per fiscal year. Etherton said she can absorb the cost in her budget and will attempt to recoup costs from defendants.

The Board asked Etherton to investigate the cost of providing land lines and to report back.

Etherton also reported on: 1) Development of an interlocal agreement with Douglas County for a data management system for Adult Drug Court; and 2) Development of a Drug Technician position (see Exhibit L).

### **11 ACTION ITEMS**

- A. Health Insurance Portability & Accountability Act (HIPAA) Privacy Notice to Employees
- B. Payroll Insert for January 13, 2005 (Wellness Newsletter)
- C. Request from Bruce Stahr for Letter Supporting Geographic Name Proposal (Prairie Creek and Prairie Lake)
- D. Discussion Topics for Meeting with Mayor
- E. KVM Switch for PeopleSoft and the County Assessor's Orion System, \$532.35 from Microcomputer Fund

Items A-E were moved forward on the agenda.

### **12 ADMINISTRATIVE OFFICER REPORT**

- A. Staff Meeting (Tuesday, January 18, 2005)
- B. Comprehensive Plan Annual Review
- C. Visitors Promotion Committee (VPC) Recommendation Regarding 2% Increase in Lodging Tax

Items A, B & C were moved forward on the agenda.

D. Nebraska Association of County Officials (NACO) County Board Workshop in Kearney, Nebraska (February 9-11, 2005)

**MOTION:** Heier moved that reservations be made for any Board members that would like to attend the workshop.

The motion died for the lack of a second.

Board consensus was to hold the item.

E. Grading and Paving of South 82<sup>nd</sup> Street

Eagan said the County Engineer would like to do the preliminary engineering work this year (cost estimate is \$10,000).

**MOTION:** Workman moved and Heier seconded to authorize the County Engineer to proceed with the preliminary engineering work, out of the department budget, with the understanding that the budget will be reviewed at a later date. Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

F. Letter from Don Thomas, County Engineer, Regarding Jamaica South Trail Bridges (Pella and Panama Roads)

Eagan reported a recommendation from the County Engineer that nothing be done with the bridges, at this time.

The Board concurred with the recommendation.

G. National Association of County Officials (NACo) Prescription Drug Card

Board consensus was to have Cori Beattie, County Board Administrative Secretary, work on the design.

H. Motor Vehicle Purchased by Emergency Management for Sheriff's Office

Eagan said Doug Ahlberg, Emergency Management Director would like to purchase a 2005 Ford Explorer off the State bid for \$26,485. Emergency Management would then trade the vehicle to the Sheriff's Office for a 1998 Ford Explorer (see letter of explanation in the agenda packet).

**MOTION:** Heier moved and Workman seconded to approve the concept, with the understanding that Doug Ahlberg, Emergency Management Director, is exploring use of two (2) used vehicles. Schorr, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

## I. Committee Assignments

Heier and Schorr offered to relinquish their respective assignments to the Lincoln-Lancaster County Ecological Advisory Committee (EAC) and Parks and Recreation Advisory Committee.

It was suggested that the Board reconsider its involvement with Community Learning Centers (CLC's) and the level of its commitment to the Lincoln Independent Business Association (LIBA).

The Vice Chair asked that a revised list be provided to the Board at the next Staff Meeting, reflecting the assignments of the new Chair and Vice Chair.

### J. New Computer for Commissioner Heier (\$1,121.32 from Microcomputer Fund)

**MOTION:** Workman moved and Heier seconded approval. Heier, Workman and Schorr voted aye. Hudkins was absent from voting. Motion carried.

### K. Rural Addressing Update

Eagan said an ordinance to require posting of addresses will not be necessary, if the County continues to fund the cost of the signs and post them in the right-of-way.

Heier suggested that the County include a fee for the sign and posting with the building permit.

The Board requested estimates of costs and how many new signs will be needed on a yearly basis.

### L. Correspondence Regarding County Assessor/Register of Deeds Website

Board consensus was to send a letter of response, indicating that the matter has been referred to the County Assessor/Register of Deeds.

### M. Rx Outreach and Bridges to Success Programs with Lancaster County Medical Society

Eagan said a contract will be developed and brought forward for action.

### N. National Association of County Administrators (NACA) Membership

**MOTION:** Heier moved and Workman seconded approval. Schorr, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

O. Tractor Supply Location and East Bypass

Item moved forward on the agenda.

**13 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Information Services Policy Committee (ISPC) - Stevens

No report.

B. Visitors Promotion Committee (VPC) - Schorr

See Item 12C.

C. Public Building Commission - Hudkins, Workman

No report.

D. Air Pollution Control Advisory Board - Hudkins

No report.

E. Board of Health - Hudkins

No report.

F. Lincoln Independent Business Association (LIBA) Budget Monitoring -  
Workman, Stevens

No report.

G. General Assistance (GA) Monitoring Committee - Stevens, Schorr

Schorr said the committee reviewed proposed changes to the guidelines.

H. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

No report.

I. Lincoln Partnership for Economic Development (LPED) Investors -  
Stevens

No report.

**14 EMERGENCY ITEMS AND OTHER BUSINESS**

The Vice Chair asked that the Board's calendar be included in future agenda packets.

**15 ADJOURNMENT**

**MOTION:** Workman moved and Heier seconded to adjourn the meeting at 11:40 a.m. Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk